

the British Empire, ceaselessly defending those without a voice in society;

Whereas, in 1833, Mr. Wilberforce was informed on his death bed that the House of Commons had voted to abolish slavery altogether;

Whereas section 102(a) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101(a)) states that human trafficking is "a contemporary manifestation of slavery whose victims are predominantly women and children";

Whereas the scourge of human slavery continues to pollute our world and assault human dignity and freedom;

Whereas, in 2006, the United States Department of State estimated that between 600,000 and 800,000 men, women, and children were trafficked across international borders for use as bonded laborers or sex slaves, or for other nefarious purposes;

Whereas the International Labour Organization estimates that there are more than 12,000,000 people in forced labor, bonded labor, forced child labor, and sexual servitude around the world, a number that is greater than the number of slaves that existed at the time of Mr. Wilberforce's death;

Whereas all people must continue to fight, as Mr. Wilberforce fought, for the true abolition of slavery and for respect for human dignity in all aspects of modern culture; and

Whereas the people of the United States should carry on the legacy of William Wilberforce by working to end the modern slave trade, human trafficking, and the degradation of human dignity: Now, therefore, be it

*Resolved*, That the Senate—

(1) observes February 23, 2007, as the 200th anniversary of the ban of the slave trade in the British Empire;

(2) recognizes the positive impact William Wilberforce had on renewing the culture of his day and ending the inhumane practice of human slavery;

(3) commends to the people of the United States the example of William Wilberforce and his commitment to the values of inherent human dignity and freedom, which reside in each and every human being;

(4) encourages the people of the United States to—

(A) observe the 200th anniversary of the ban of the slave trade in the British Empire;

(B) reflect on William Wilberforce's selfless dedication to the fight against slavery and his commitment to the neediest in society; and

(C) commit themselves to recognize the value of human life and human dignity; and

(5) unequivocally condemns all forms of human trafficking and slavery, which are an assault on human dignity that William Wilberforce would steadfastly resist.

#### HONORING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

The resolution (H. Con. Res. 44), honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary, was considered and agreed to. The preamble was agreed to.

#### DIRECTING SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 121 that was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in support of the appellee in Office of Senator Mark Dayton v. Brad Hanson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns an appeal pending before the Supreme Court of the United States in an action brought by a former Senate employee against his employing office, the Office of former Senator Mark Dayton. In 2003, the former employee sued the office under the Congressional Accountability Act of 1995. As a defense to the suit, the office asserted that the Speech or Debate Clause of the Constitution barred a suit by the employee, because during his time with the office his job included legislative duties.

The lower courts denied this argument and refused to dismiss the suit on that ground. The office has now appealed this case to the Supreme Court, placing directly before the High Court the question of the application of the Speech or Debate Clause to suits brought under the Congressional Accountability Act.

As the scope of the Speech or Debate Clause will now be considered in the merits of an appeal by the Supreme Court for the first time in almost 30 years, it is important that the Senate as an institution have a voice in those proceedings to protect the Senate's interests in that important constitutional privilege that secures the independence of this body from the other branches of Government.

It is also important that the legal counsel appear on the Senate's behalf in this action so that the Court can be presented with the Senate's understanding of the proper application of the Speech or Debate Clause to the Congressional Accountability Act. Congress passed the act to apply to Congress the same Federal workplace and employment laws that applied to the private sector and the executive branch, giving our employees the same protections enjoyed by employees elsewhere. That was done with the understanding that suits by congressional employees, even employees with legislative duties, were not automatically barred by the Speech or Debate Clause privilege of Members.

Accordingly, as the Supreme Court is now being urged to bar all Congressional Accountability Act suits that are brought for adverse personnel actions by employees with any legislative duties, it is important that the Senate present to the Court the position that suits under the Congressional Accountability Act can proceed consistent with the Speech or Debate Clause. While that Clause would provide Members with a robust evidentiary and testimonial privilege concerning their legislative activities in these lawsuits and may limit permissible relief, it does not automatically block all such suits at the outset.

In addition, the Supreme Court has directed the parties to brief the additional questions of whether the case has become moot because Senator Dayton has left office, and whether the office of Senator Dayton could appeal the case directly to the Supreme Court. On these questions, the legal counsel will describe why suits brought under the Congressional Accountability Act against the office of a Member of Congress do not become moot after the Member departs from Congress. Indeed, the contrary position would undermine the act's important protections for employees whose Members are soon to end their congressional service. The legal counsel will also argue that the appeal is not within the jurisdiction of the Supreme Court as the provision of the Congressional Accountability Act that provides for direct appeal to the Supreme Court is not satisfied here.

In sum, this resolution would direct the Senate legal counsel to appear in this action on behalf of the Senate to protect the Senate's interests in the proper application of the Speech or Debate Clause to civil suits brought under the Congressional Accountability Act.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 121

Whereas, in the case of Office of Senator Mark Dayton v. Brad Hanson, No. 06-618, pending in the Supreme Court of the United States, the application of the Speech or Debate Clause, Article I, section 6, clause I of the Constitution to suits brought under the Congressional Accountability Act, Pub. L. No. 104-1, 109 Stat. 3 (1995), has been placed in issue; and

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288f(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in support of Appellee Brad Hanson in Office of Senator Mark Dayton v. Brad Hanson, to protect the Senate's interest in the proper application of the Speech or Debate Clause to civil actions brought under the Congressional Accountability Act.

#### COMMEMORATING THE 25TH ANNIVERSARY OF THE CONSTRUCTION AND DEDICATION OF THE VIETNAM VETERANS MEMORIAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 122.

The PRESIDING OFFICER. The clerk will report the resolution by title.